

GUIDANCE FOR THE IMPLEMENTATION OF TRANSPORTATION CORRIDOR OFFICIAL MAPS BY THE REGISTER OF DEEDS

In 1987, the General Assembly provided a number of right-of-way protection measures designed to clarify and enhance the ability of the North Carolina Department of Transportation (NCDOT) and the local governments to protect rights-of-way for future highway projects. One of these measures is the authority to adopt and establish Transportation Corridor Official Maps, more commonly referred to as "Official Maps". (It should be noted that, in highway planning terminology, the word corridor generally refers to a broad area of study in which a number of specific highway alignments may be considered. Since an Official Map more accurately reflects what is considered an alignment as opposed to a corridor, the term alignment will be used throughout the remainder of this text.)

The statute allows for Official Maps to be adopted by either the Department of Transportation or a municipal government. If a municipality seeks to adopt an Official Map for a project outside of its jurisdiction, it must first receive the concurrence of the county government. Even though the authority granted to the NCDOT is not restricted to those areas outside of the municipal jurisdictions, generally, the NCDOT will limit its involvement to non-municipal projects.

The primary purpose of an Official Map is to reserve and protect the alignment for a future highway project. The reservation is accomplished by placing temporary restrictions on private property until the NCDOT or the municipality can acquire the needed right-of-way. The restrictions are in the form of a prohibition on the issuance of building permits or the approval of subdivisions on property lying within the Official Map alignment. These restrictions apply for a period of three years, which begins when the building permit or subdivision is requested.

By statute, once an Official Map is adopted by either the Board of Transportation or the local city council, a certified copy of the map must be provided to the register of deeds office for the county through whose jurisdiction the project extends. The Official Map will consist of a map or a series of map pages identifying the proposed right-of-way and its relationship to the various properties along the project alignment. The map will measure 12 inches by 20 inches, as required by statute.

The statute states that "notwithstanding any other provision of law, the certified copy filed with the register of deeds shall be placed in a book maintained for that purpose and cross-indexed by number of road, street name, or other appropriate description." (G.S. 136-44.50 (b) (3)) Since the effect of the Official Map is to place temporary restrictions on the use of private property, it is important that this information be as accessible to the public as possible. Consequently, it may not be enough to just cross-index the information by street name or road number in indexes that are not regularly checked by the general public. The information should be available in the Grantor/Grantee Index.

To this end, the NCDOT has adopted procedures that will require the preparation of a list of all property owners whose property is affected by a NCDOT adopted Official Map. This list will be provided for filing along with all NCDOT adopted Official Maps to allow for the easy inclusion of property owner information in the proper indices. A notice providing the statutory reference and a brief explanation of the implications of a Official Map will be provided as well. The notice should be posted in the appropriate deed book while the property owner names are indexed in the Grantor/Grantee Index.

The statute further provides that the register of deeds collect a fee of five dollars (\$5.00) for each map sheet or page recorded. Other filings such as the notice and the list of property owners should be recorded at standard fees.